



**Organization for Security and Co-operation in Europe** ENGLISH only  
**The Representative on Freedom of the Media**  
**Miklós Haraszi**

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**Regular Report to the Permanent Council**

Mr. Chairman, Excellencies, Ladies and Gentlemen,

During the last reporting period, an unprecedented surge in cases of violence against journalists has dominated the news on media in the OSCE region.

A substantial part of the losses were caused by the five-day war in Georgia in August. It came as no surprise that during the armed conflict the freedom of journalists to perform their duties was imperilled. We have witnessed the violent deaths of three journalists, while at least 12 others were wounded. **I honour the memories of Grigol Chikhladze, Alexander Klimchuk and Stan Storimans.** They died in the war zone while protecting a major OSCE commitment – the public's right to know.

The armed conflict seems to be over now, but the free flow of information is still not restored, even as the cyber-attacks on Georgian websites and the blockage of Russian internet and television media have ceased. I repeat my 22 September call for the free and safe access of journalists to the crisis regions of Georgia, South Ossetia and Abkhazia. All undue limitations on entry for the media should be lifted.

I also have to commemorate those killed and wounded journalists who were deliberately targeted in retaliation for their journalistic work in other areas of the OSCE. These cases have resulted in at least as many casualties as the Caucasus war has this summer. Reporters or media outlets were attacked in Armenia, Azerbaijan, Bulgaria, Croatia, Greece, Hungary, the Russian Federation, and Serbia. Evidently, journalism remains a dangerous profession both in wars and in peacetime.

The authorities' handling of such cases has not been encouraging. As stressed on numerous occasions, attempts at silencing critical voices with the help of violence should be seen and handled by law enforcement not as ordinary crimes, but as acts aimed to undermine the basic democratic value of free expression, censorship in fact. Impunity in such cases will only provoke further violent cases against media workers.

Let me cite the cases of Elmar Huseynov of Azerbaijan, Anna Politkovskaya of Russia and Alisher Saipov of Kyrgyzstan. Three, two and one year respectively went by since their murders, and we are still not told who the masterminds behind these crimes were.

I am glad to report, however, that Politkovskaya's trial started on 19 November with three persons accused to have helped the perpetrators. I also welcome that the hearings were re-opened for the public and the media, after days of keeping them behind closed doors.

With this sobering assessment of the current state of media freedom, let me now turn to my report to the Permanent Council, the last one for the year 2008.

In this account you will find, among other information, the following:

- a summary of the issues that we have raised with participating States since my 3 July report;
- an account of my visits to participating States;
- an update on legal reviews that my office has prepared for participating States;
- reports on my office's recent activities.

## ***Issues Raised with the Participating States***

### **Albania**

**On 1 October**, I wrote to the authorities to welcome their decision to postpone the adoption of a new Law on Radio and Television, and asked the Government to ensure broad and transparent consultations with all key stakeholders when finalizing the draft.

I noted that the draft law failed to guarantee the independence of the National Council on Radio and Television and the Albanian Radio and Television. It also did not remedy the current law's lack of compliance with OSCE recommendations earlier submitted by my office. I also asked the responsible stakeholders to draft a comprehensive strategy for digital broadcasting, involving the media and media NGOs in the process.

My office stands ready to assist Albania in finalizing the new law.

### **Armenia**

**On 21 August**, I wrote to Foreign Minister Edward Nalbandyan and Prosecutor General Aghvan Hovsepyan regarding recent acts of violence committed against journalists in the country. On 18 August, the acting Chief of the Yerevan bureau of *Radio Free Europe/Radio Liberty* was beaten, an attack that the journalist had attributed to his professional activities. On 11 August, a journalist from opposition newspaper *Haykakan Zhamanak* was severely beaten, which was a second attack against her in six months.

I was pleased to receive the letter of Deputy Minister Arman Kirakossian, dated 8 October, promising to carry out rapid investigations and reveal all circumstances of the two attacks.

**On 19 September**, I asked the Government to review the adopted amendments to the TV and radio law that introduce a moratorium on issuing new broadcasting licenses until the planned digital switchover of 2010.

This moratorium cuts off potential applicants from entering the market until 2010. It also makes it impossible for Armenia to comply with the June 2008 decision of the European Court of

Human Rights, which found that denials of licenses for television station *AI+* violated Article 10 of the European Convention on Human Rights, and urged the country to allow the station to apply for a new licence.

**On 19 November**, I wrote to Foreign Minister Edward Nalbandian about the third reported severe attack against journalists in Armenia in the last few months. The Chairman of the Investigative Journalists' Association, Edik Bagdasaryan, was attacked on 17 November by three men in Yerevan, and sustained serious head injuries as a result.

See also the section on legal reviews and on trainings.

## **Azerbaijan**

**On 17 July**, I called fake the trial against Sergey Strekalin, who was sentenced to one and a half years in prison for a combination of drug-trade charges and his self-confessed stabbing of journalist Agil Khalil of *Azadliq* newspaper in March 2008. The authorities stopped the case against two security officers who attacked Khalil in February when he photographed illegal cutting of trees in a public olive garden. Instead, the prosecution ordered the major television channels to broadcast videos where Strekalin confessed to the stabbing of the journalist by posing as a jealous ex-lover.

On 28 July, Foreign Minister Elmar Mammadyarov conveyed to me the authorities' view that the predicament of Agil Khalil had nothing to do with his professional activities.

I reiterate my call to the authorities to ensure that law enforcement refrained from orchestrating cases and campaigns against people critical of the Government. I also ask them to release all journalists currently imprisoned in Azerbaijan.

**On 5 November**, I wrote to Foreign Minister Elmar Mammadyarov, concerning the statement by Nushiravan Maharramli, the Chairman of the National Council on Television and Radio of Azerbaijan. The Chairman spoke about his intention to ban BBC, Radio Liberty and Voice of America after 15 years of successful and popular service in the country.

According to Chairman Maharramli, his plans are based on "international standards". But the only relevant OSCE standard is the obligation to safeguard effective pluralism of the media landscape in all of the participating States.

I urged the authorities to reassess their decision and renew the licences of the foreign public-service radio broadcasters, as they are a significant source of information for the Azerbaijani society.

On press vests for Azerbaijani journalists, see the section on projects.

## **Belarus**

**On 21 October**, I wrote to Minister of Foreign Affairs Sergei Martynov regarding the first-time applications of the 2007 Law "On countering extremism" against media materials.

On 9 September 2008, the Iyve District court in the Grodno region found the August issue of the unregistered periodical *Svaboda* “extremist”, and ordered to destroy all 5,000 copies of that issue. The Grodno regional KGB office also asked the court to recognize as “extremist” other printed publications and records of radio programs.

On 16 September, in a separate case, a Grodno court declared several documents recorded on CDs belonging to a journalist to be of “extremist” nature. The border police confiscated the CDs in June.

I stressed that the above cases might set a dangerous precedent where critical speech is equated with extremism. The definition of “extremism” in the Belarusian Law “On countering extremism”, as I had warned at the time of its adoption in 2007, is overbroad and allows for arbitrary application. If applied, it could undermine the rule of law and restrict freedom of speech protected by OSCE commitments.

On 20 November 2008, the Permanent Delegation of the Republic of Belarus to the OSCE informed me that the court of appeal on 9 September 2008 had ruled against the initial verdict in the case of *Svaboda*, and returned the case to the Iyve court for reconsideration.

Regarding the case involving the confiscated CDs, the Delegation of Belarus forwarded to me a copy of the court decision, stating that the materials on the CDs were found “extremist” because they were “directed towards discrediting the main principles of internal and foreign policies of the Government of the Republic of Belarus”.

Unfortunately, this confirms that the “extremism” law is used to restrict fully legitimate communications and publications, the freedom of which is guaranteed by the OSCE principles.

My office will continue to follow these cases closely.

## **Bulgaria**

**On 25 September**, I wrote to Foreign Affairs Minister Ivailo Kalfin to request that perpetrators of recent violent attacks against journalists are brought to justice in a speedy manner. I have recalled three attacks committed against journalists within the last two and a half years where the perpetrators have not been identified or brought to justice.

On 22 September 2008, Ognian Stefanov, editor of investigative website *Frognews* was brutally beaten and hospitalized in critical condition. In April 2008, Georgi Stoev, the author of several books on organized crime in Bulgaria, was murdered. In April 2006, there was an explosion at the apartment of Vasil Ivanov, a well-known *Nova Television* investigative journalist.

I stressed in my letter that such attacks are aimed at intimidating journalists in the country, and keep them from reporting about issues of public interest. I asked the law enforcement authorities to strongly step up against acts undermining the basic democratic value of free debate.

On 27 October, Ambassador Chavdar Zhechev forwarded me an update on the investigation into the murder of Georgi Stoev. I hope to receive information soon on the success of the investigations into these hideous attacks.

## Croatia

It is with great concern that I report on a recent attack in Croatia, where two prominent media workers were killed.

**On July 9**, I received a response from Foreign Affairs and European Integration Minister Gordan Jandrokovic, written to my information request about the investigation of Ivo Pukanic's attempted murder in April 2008. The director of the weekly newsmagazine *Nacional*, considered to be one of Croatia's most fearless investigative journalists, was shot at by unknown assailants. *Nacional* has been covering issues of corruption and human rights abuses. At that time, the authorities have updated me about the thus far unsuccessful investigation into the case.

**On 24 October**, I was shocked to hear that the same journalist, Ivo Pukanic, and Niko Franic, the paper's marketing executive, were killed by a bomb blast in Zagreb. This crime terrorizes the media that strive to accomplish an indispensable job in exposing wrongdoings. I have repeated my call to the Croatian authorities to ensure that journalists can carry out their work safely.

I welcome the authorities' public pledge to punish the perpetrators of this outrageous crime, and I am informed that the law-enforcers have made considerable progress in investigating this awful crime.

## France

**On 13 October**, I expressed my concern to Justice Minister Rachida Dati about the searches of the premises and computer hard drives of two daily newspapers, "*Centre-Presse*" and "*La Nouvelle République du Centre Ouest*", conducted by police and justice officials. The searches were explained by the two newspapers' alleged "violation of the confidentiality of a judicial investigation" into a murder case. On 17 November, a journalist at the latter paper was indicted in the case.

I asked the authorities to revise the handling of the case in light of the new guidelines already set forth in the amendments to the press law. These were tabled by the French Government earlier this year, and are currently awaiting the approval of the Assemblée Nationale. Under this draft law, only clearly defined overriding interests would outweigh the need to protect journalists' sources, such as, for example, the prevention of an imminent violent crime. The amendments would also extend the protection to journalists' homes, thus creating a safer environment for journalism.

## Greece

**On 24 October**, I requested additional information regarding the reports that Greek police had briefly arrested and then escorted to the border several former Yugoslav Republic of Macedonia

journalists on 14 October. They had been covering demonstrations against military training activities near the village of Lofi in Northern Greece.

I was informed of a statement issued by the Ministry of Foreign Affairs, stressing that the journalists were checked because they had entered a military zone. It called the reports of their expulsion a 'distortion of truth'.

## **Hungary**

**On 1 October**, I welcomed the acquittal of Hungarian investigative journalist Antonia Radi, ending a five-year-long trial. Radi, one of the most prominent investigative journalists of the country, was indicted on breach of secrecy charges and threatened by prison, based on her reporting on a criminal case in the *HVG* weekly in 2003.

For the sake of the fight against corruption, the ongoing reform of the law on official secrets and that of the Criminal Code should assure journalists that they can report on matters of public importance without fear of being prosecuted.

My office also continues to monitor the developments in the shooting incident that took place on **15 November** in Budapest, at the editorial offices of ATV, a commercial TV station. The station had previously received threats of attack, blaming the station's religious programs. I was pleased to see that the Mayor of Budapest swiftly condemned this or any attack on freedom of speech, and I hope to soon receive news of a successful investigation in this issue.

## **Kazakhstan**

In order to bring Kazakhstan's media legislation in line with the OSCE freedom of expression commitments, the office continued its co-operation with the Government, and offered legal assistance on several sets of draft laws and amendments (see earlier reports and section 'Legal reviews').

The latest development in this regard is that on 11 November 2008, the Government of Kazakhstan submitted to Parliament a package of amendments to several laws, including the law on media.

Unfortunately, the draft in its current shape is seen by the civil society of Kazakhstan as unable to *de facto* improve the legal environment for the work of media.

I hope that my Office will be able to study these amendments and offer its comments prior to the adoption of the mentioned law.

I missed from the package the long-pending amendments to the provisions on defamation, prepared by the Ministry of Interior in cooperation with my Office. Those changes would discard prison sentences for most defamation-type crimes, but they would stop short from decriminalizing them. I hope that they will soon be tabled with Parliament.

See also the section on legal reviews.

## **Romania**

**On 8 July**, I asked President Traian Basescu to veto an amendment to the broadcasting law that would have obliged television and radio stations to ensure that half of their news coverage consists of "positive news". Such a rule would be a severe political intrusion into editorial freedom.

**On 11 July**, I welcomed the fact that the Constitutional Court had ruled the draft amendment unconstitutional. It is significant that the ruling was based on freedom of expression considerations, which sets standards against future attempts by politicians to interfere with editorial autonomy. I hope that the verdict will also serve as a guideline for the Constitutional Court itself in future deliberations on matters related to media freedom.

## **Russian Federation**

**On 10 July**, I wrote to Prosecutor General Yuri Chaika regarding two recent "extremism"-based court decisions. On 6 June, a Moscow court closed down the independent Internet website *Ingushetiya.ru*. On 7 July, a Syktyvkar court handed a suspended one-year sentence to Internet user Savva Terentiev, for posting a comment in an online chat forum.

I emphasized that these disproportionate court decisions set precedents for putting an end to media freedom online, using the vague notion of 'extremism'. Politicization and arbitrariness are unavoidable when applying the subjective concept of "extremism", given the growing myriad of Internet-based communication forms which could never be monitored in their entirety.

**On 2 September**, I had to protest against the killing of Magomed Evloyev, the publisher of the above-mentioned *Ingushetiya.ru*, during police custody.

Evloyev's death was the culmination of an orchestrated campaign by the authorities of Ingushetia to silence the only remaining independent news source in the region. (In August 2008, the chief editor of *Ingushetiya.ru*, Roza Malsagova, left Russia, seeking political asylum.)

**On 21 October**, I expressed my concern regarding new legislative initiatives on anti-extremism, recommended by the Office of the Prosecutor General to the State Duma Committee on Security.

The proposed changes would empower the state to block Internet sites, and extend already existing undue warning and restricting powers of Government bodies over the media.

**On 26 November**, I expressed concern about the recent attack against Mikhail Beketov, the editor-in-chief of independent newspaper *Khimkinskaya Pravda*. On 12 November, he was brutally assaulted, suffered multiple life-threatening injuries, and is still in a coma. I am waiting for the results of the investigation.

However, on a positive note, I am also encouraged by several recent developments, notably in the Republic of Ingushetia, where a new regional President has recently assumed his duties.

**On 7 November**, the Supreme Court of Ingushetia has declared the closing of the website *Ingushetiya.ru* unlawful. The symbolism of this gesture should not be underestimated, notwithstanding that the Moscow court decision closing down the website is still in vigour.

**On 18 November**, in a further welcome development, the same court has ruled that the refusal to handle the Yevloyev case as “murder” instead of “death by negligence” was illegal.

On the legislative side, I was glad to learn that the Russian State Duma started to discuss potentially impactful proposals on Russia’s media legislation, such as abolishing imprisonment of journalists who commit professional mistakes, and granting reporters near-complete immunity from having to reveal their sources.

My Office stands ready to review all draft amendments before their adoption.

### **Serbia**

**On 5 August**, I wrote to Foreign Minister Vuk Jeremic regarding attacks on journalists. On 13 July, 16 July, and 25 July, *B92*, *TV Avala*, *TV Pink*, and *Regionalna televizija* crews were attacked while they were reporting, among other topics, on the protests in Belgrade against the arrest of war crimes suspect Radovan Karadzic.

I welcomed that the aggressors were rapidly arrested in all three cases. I was also pleased to read the statement of Interior Minister Ivica Dacic, stressing the need to protect journalists from violence and other pressure.

I seized the opportunity to bring several media freedom issues to the attention of Serbia’s new Government. They included the better implementation of the Law on Free Access to Information of Public Importance, the resumption of privatisation of the state-owned media, especially of the print press, as well as strengthening minority media.

In his response, Minister of Foreign Affairs Vuk Jeremic forwarded to me some updates on the above issues from the Ministry of Culture.

### **Slovenia**

**On 22 May**, in my letter to President Danilo Türk, I asked the authorities to reconsider Article 166 of the new Criminal Code. That article not only failed to decriminalise defamation, but extended liability for it to editors, publishers and printing companies.

**On 14 July**, I received a response from the President’s Office, in which I was assured that the President shared my Office’s concerns with regard to the defamation provisions of the recently adopted Criminal Code.

I remain hopeful that the authorities of Slovenia will be able to draft a revision that would completely decriminalise libel and insult, and consign them to the civil domain.



## **Turkmenistan**

**Between 2 and 4 September**, following an invitation from the Government, I met with stakeholders in the country's media governance to explore possibilities of reform toward compliance with OSCE commitments in the field of media freedom.

I was pleased to see interest in bringing Turkmenistan's state-owned media closer to international standards, which was expressed by both governmental and civil personalities during these meetings.

See the list of interlocutors in the section on visits.

## **Ukraine**

**On 29 July**, I asked the authorities to provide further information on the 17 July confiscation of television tapes from Artyom Shirokov, a journalist of the Russian *TVC* channel. The Foreign Ministry claimed that the reporter had no right to work as a journalist in Ukraine, as he was not accredited at the Foreign Ministry.

**On 18 November**, I was informed by the Head of Delegation that the disputed action was based on a 1998 bilateral agreement between the Russian Federation and Ukraine, which prohibited unaccredited journalism, and required permission to take information materials across their mutual borders.

I reiterate that even if such an agreement exists between the two countries, it should be abolished rather than applied. Its wording and spirit are contrary both to the original Helsinki principles and to several OSCE commitments regarding the free flow of information and a helpful environment for international journalism.

Besides, such an agreement can only be applied arbitrarily nowadays, when the media have become global, communications do not recognize borders anymore, and therefore tapes and books in a person's bag are the least frequented carriers of information.

**On 20 November**, I asked Foreign Minister Volodymyr Ogryzko for additional information regarding two recent issues reported. One is the six-year prison sentence handed down to Igor Yakovlev, a journalist with the *STV* television company, on charges of forgery and embezzlement. The other is a November order by the National Council for Television and Radio Broadcasting to interrupt broadcasting of certain foreign television channels through cable networks. Reportedly, this decision may concern several Russian television channels which are popular among a considerable part of the Ukrainian population.

## **United States of America**

**On 11 September**, I asked the Delegation to provide information regarding arrests and charges brought against some of the journalists reporting about rallies organized during the Democratic and the Republican National Conventions.

On 27 August, an *ABC News* producer was arrested for a day when filming Democratic Party officials leaving a hotel in Denver. He was charged with trespass, and failure to follow a lawful order. On 1 September, journalists from the public TV and radio program *Democracy Now* were briefly arrested while covering demonstrations at the Republican National Convention in St. Paul, Minnesota.

On 6 November 2008, the Head of the United States Mission to the OSCE informed me that all charges against journalists in the above-mentioned cases were dropped.

### **Uzbekistan**

**On 15 October**, I requested the Government to review on appeal the sentencing of journalist Salidzhon Abdurakhmanov. On 10 October, the journalist, contributing to *Radio Free Europe/Radio Liberty*, *Voice of America* and *Uznews.net*, was sentenced to ten years in prison for allegedly possessing narcotics with the intent to distribute them.

According to those present at the trial, the prosecution's witnesses had no evidence to implicate that Abdurakhmanov used or sold narcotics. His blood test results did not show any drugs either, and his fingerprints were not found on the package containing the drugs. The journalist insisted that the drugs were planted in his car.

Punishing a journalist for his work using made-up criminal charges is a practice that should no longer be tolerated. I hope that the authorities will rapidly dismiss the sentence, and thus prove the country's adherence to OSCE commitments.

**On 15 and 16 October** I was glad to welcome participants from Uzbekistan to our annual Central Asia Media Conference, after years of absence from this event.

See section on conferences.

## ***Projects & Activities since the last report***

### ***Assessment visit to Montenegro (full text of report attached to this PC Report)***

**On 16-18 July 2008**, I paid my first assessment visit to the Republic of Montenegro. In close cooperation with Ambassador Paraschiva Badescu, Head of the OSCE Mission to Montenegro, I met government officials, including the President and the Prime Minister; media professionals, and representatives of civil society and international organizations.

The purpose of the trip was to collect first-hand information in order to assess the current state of media freedom in the youngest participating State of the OSCE, especially in the context of the then-two hotly disputed draft laws: the electronic communications draft law and the amendments to the public-service broadcasting law.

Results of the visit have been reflected in an assessment report published on 13 October 2008. Following the traditional methodology, the report contains observations and recommendations aiming to further improve media freedom in the country.

Let me recall the main findings:

In general, the media situation in Montenegro is largely commendable. There is a high degree of media pluralism, both in terms of the quantity of media outlets and the different views that are represented, although some unresolved shortcomings and disputed issues remain. As a special feature, Montenegro has an exemplary ban on state ownership of the media. Also, the privatization of the press is almost complete. Therefore, the report concludes that the legal framework for a free media is generally in line with OSCE commitments.

- Regarding the new Law on Electronic Communications, the report concluded that the full independence of the licensing process, and avoidance of a double-headed, two-stop licensing setup, merit a review of the Law by Parliament. Successful solutions of merging telecommunications and broadcasting authorities, such as at Ofcom in the United Kingdom or at FCC in the U.S., could be studied.
- The adoption of modifications and amendments to the Law on Public Broadcasting (RTCG) should be preceded by a broad public and parliamentary discussion.
- The present complex process of appointment to the Council and the Managing Board was designed to make the nominators immune to any pressure. Such practice should be continued in the future (instead of the selection between the candidates who received the largest support from the authorized nominators, as proposed by the draft).
- The de-commercialization of RTCG' financing scheme should be given proper consideration.
- Greater independence for RTCG can only be achieved if its dependence on collection rates of fees or other taxpayer-paid revenues decreases.
- Guaranteeing these revenues for a longer period of time – in other words, automating them – would be a substantial contribution to RTCG's financial, and therefore political, independence.
- All cases of threats, violence or even murders of journalists must be duly investigated in a timely and forthcoming manner, and the results should be made clear to the public.
- The elimination of imprisonment as a punishment for libel is a positive development. This should go further, however. Libel and insult should be decriminalized completely, and journalistic mistakes should not be criminalized. Such reforms should go hand in hand with the implementation of both a ceiling on civil fines and a determination that such fines should be calculated in a proportion that reflects the gravity of the offense.
- For the sake of uninhibited media discussion of important public issues, public officials should show a greater degree of tolerance towards criticism, even when it contains factual inaccuracy.

- In order to strengthen journalism's collective defense, all major media outlets should participate in the nation's media self-regulation body.

The full report can also be found at: [https://www.osce.org/documents/rfm/2008/11/34890\\_en.pdf](https://www.osce.org/documents/rfm/2008/11/34890_en.pdf)

### *Press vests for Azerbaijani journalists*

**On 3 September**, my Office sponsored the manufacturing of 200 vests for the clear identification of journalists during public events and demonstrations, in order to ensure their safety and guarantee that they can receive assistance from the police while performing their duties. The vests were presented to Azerbaijani media workers by the OSCE Office in Baku.

### *Regional media conferences*

**On 16-17 October**, with the help of OSCE field presences, our office held the 10<sup>th</sup> Central Asia Media Conference in Almaty, Kazakhstan, and **on 13-14 November** we held the 5<sup>th</sup> South Caucasus Media Conference in Tbilisi, Georgia.

Besides discussing the development of media freedom in the last year, the events focused on the challenges of public-service broadcasting (PSB) and how the upcoming digital switchover can support media freedom and pluralism.

The Central Asia conference brought together media professionals and government officials dealing with media governance from Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. The participation of Uzbekistan at this year's event was especially welcome, and we hope that next year we can welcome all five Central Asian participating States at the conference. As only Kyrgyzstan has a law on PSB, and even there the institution still has yet to start operating, the discussions touched upon the basic democratic meaning and the social uses of public-service broadcasting.

The South Caucasus event, in animated and at the same time friendly discussions, provided a unique forum to leading media professionals, public-service directors, NGOs and Members of Parliament from Armenia, Azerbaijan and Georgia, to share experiences and good practices, as well as strengthen personal professional contacts.

In the declarations adopted at the two conferences, the participants have stressed that public-service broadcasting (PSB) is one of the basic tools of democracies. By offering objective news reporting and by broadcasting high quality programming, PSB is indispensable in ensuring the freedom and transparency of elections, in fighting against hate speech, and in protecting the minority cultures of a country. The conferences have also tackled the changes affecting broadcasting in the digital age, and have concluded with calls to governments to regard the increase in the number of broadcasting channels on all new platforms as a new opportunity to strengthen media pluralism.

Year after year, the participants consider these media conferences as one of our office's most popular and useful activities. The events are made possible by the extra-budgetary donations of participating States. **I would like to extend a special thanks to the donors of this year's**

conferences, Austria, Belgium, Finland, Germany, Ireland, Sweden, and the United States, for helping us continue this useful tradition.

## ***Legal Reviews***

### **Armenia**

**In September**, as mentioned above, my Office commissioned an independent OSCE expert, to review an amendment to Armenia's Law "On Television and Radio". The amendment proposes to suspend tendering broadcasting licenses until mid-2010.

While the digital broadcasting switchover is cited by the authorities as the reason for the amendment, a moratorium on tenders for broadcasting licenses should not be the first step in the digitalization process. Digitalisation should not be allowed to reduce diversity and plurality and should never be used as an excuse to limit free and independent broadcasting. If the broadcasting landscape in a country is not pluralistic and diverse, it would be better to delay digitalisation and undertake other reforms first.

A television station which would be particularly affected is A1+ - an independent channel which has been repeatedly denied a broadcasting licence. Recently, the European Court for Human Rights has ruled that the government of Armenia violated Article 10 of the European Convention of Human Rights by denying A1+ a licence.

The amendment to the Law "On Television and Radio" effectively contravenes the decision of the ECHR.

### **Kazakhstan**

**On 29 July**, I presented to the authorities comments and recommendations on the new draft amendments to the defamation provisions of the Criminal and Civil Codes.

I welcomed the fact that the amendments would improve journalists' working conditions by removing the possibility of prison sentences as punishment for most defamation-type offences, and that the article concerning "insult" would be withdrawn from the Criminal Code, as would be the notion of "legal persons" from the definition of moral harm under the Civil Code.

However, the current draft law would not decriminalize defamation completely; in fact, the amendments would retain most defamation offences in the Criminal Code. Furthermore, allowing the possibility of imprisonment as punishment for libel against high officials contravenes international standards that require elected officials to tolerate more criticism than ordinary citizens. Finally, the draft contains provisions which are unclear, difficult to implement and merely declarative.

As mentioned earlier, these drafts were not included in the Government's 11 November package of amendments.

## **Moldova**

On **26 November**, I presented to the authorities the recommendations of a legal review commissioned by my Office on the Draft Law “On state secrets”.

Despite some modest improvements, including better defining the categories of secrets and the inclusion of the public interest test, the draft fails to boost democratic accountability, as it would not reduce unnecessary secrecy and other obstacles to access to governmental information by the media.

In many areas, it expands secrecy, including in the definition of state secrets; the types of information that can be classified; it also includes a new undefined category of “restricted” secrets which does not require harm to be shown. Additionally, it reduces in parliamentary oversight.

Unfortunately, on 27 November the law was passed without any debate in the Parliament.

The legal review can be viewed at: [http://www.osce.org/documents/rfm/2008/11/35108\\_en.pdf](http://www.osce.org/documents/rfm/2008/11/35108_en.pdf).

## ***10<sup>th</sup> Anniversary publication***

**On 15 September**, the latest publication of my Office, “*Ten Years for Media Freedom - An OSCE Anniversary: Current and Forthcoming Challenges*”, was published. Copies were widely disseminated to all delegations and OSCE field missions, as well as all interested parties, such as media professionals and NGOs.

This project was made possible thanks to the generous contributions from the Governments of **Germany, Finland, and The Netherlands**.

The book can be downloaded at [http://www.osce.org/fom/item\\_11\\_32993.html](http://www.osce.org/fom/item_11_32993.html)

A Russian-language version is expected to be issued by January 2009.

## ***Co-operation with other international organizations – Council of Europe***

I commended the adoption of the Resolution 1636 on "Indicators for Media in a democracy" by the Parliamentary Assembly of the Council of Europe. This document invigorates the important principles of freedom of expression and freedom of the media after a decade of deterioration of the media freedom situation worldwide.

It reiterates a comprehensive set of minimum legal standards for free media in European democracies that is a solid base for assessing the states' levels of media freedom by states themselves, as well as for international bodies including the RFOM.

Resolution 1636 highlights the role of freedom of expression and information in the media as an essential requirement of democracy. It invites national parliaments to analyze their own media

situation, to identify shortcomings in their national media legislation and practices, and take appropriate measures to remedy them.

The resolution also identifies 27 basic principles to assess the situation of media freedom. The document calls on the Committee of Ministers to endorse the list of principles and report regularly on the media situation in the CoE member states.

My Office, however, treats these principles as the essential minimum when assessing the participating States' compliance with the OSCE commitments, which go further in many respects. In my view, this represents an important synergy between our organizations.

### *Internet*

The third **Internet Governance Forum (IGF)** will be conducted in Hyderabad, India, on **3-6 December**. My office will participate in a UNESCO workshop on internet filtering, along with international media freedom advocacy groups.

My office also participated in the preparatory conference for the IGF, organized by the Council of Europe in **Strasbourg, 20-22 October**. This event, named EuroDIG, aimed to contribute to developing a consolidated European approach to internet governance issues.

**On 24 November**, together with the Ministry of Information of Belarus, with the support of the OSCE Office in Minsk, my office co-hosted a roundtable discussion on Internet media regulation in **Minsk, Belarus**. The event brought together Belarusian officials and journalists, as well as international experts in the field.

At the conference, my office encouraged the Government to exercise self-restraint in regulating content on the Internet, in order to honour the important OSCE commitments on pluralism and the free flow of information.

### *Training activities*

- **For press secretaries and journalists**

**On 16 – 17 September**, a training seminar was held in **Chisinau, Moldova**. Jointly organized with the OSCE Mission to Moldova and attended by around 20 participants, the event focused on increasing access to official information by fostering effective interaction between journalists and public bodies. The training seminar was sponsored by the Government of the **Czech Republic**.

**On 27 - 28 October**, our Office held a training seminar in **Yerevan, Armenia**. The event was organized in close cooperation with the OSCE Office in Yerevan and brought together 40 participants from press and public relations offices with the aim of improving their interaction.

**On 06 - 07 November**, a training seminar was held in **Belgrade, Serbia**. The event – a first of its kind in South-eastern Europe-, was jointly organized with the OSCE Mission to Serbia. It was attended by around 30 participants, mainly from the southern regions of the country.

- **On media self-regulation**

**On 29– 30 July**, our Office held a training seminar in **Odessa, Ukraine**. The event gathered 30 journalists from the Odessa region and aimed at promoting media self-regulation as a credible mechanism for upholding ethical standards and professionalism.

**On 31 October- 1 November**, a training seminar was held in **Bucharest, Romania** and brought together 50 media professionals from around the country. The objective of the event was to raise awareness on the importance of media accountability and to start discussing ways of creating a self-regulatory mechanism in the country.

### *Visits and participation in events*

**On 1 July**, my office contributed to the annual OSCE Summer Academy in **Burg Schleining, Austria**, with a presentation on media freedom issues.

**On 7-8 July**, I addressed the roundtable “Broadcasting Parliament Sessions – International Practices and Experiences,” convened in **Podgorica, Montenegro**, by the Parliament of Montenegro and the OSCE Mission to Montenegro.

**On 8 July**, my Office, together with the Council of Europe and the Yerevan Press Club, organized a conference on Media diversity in **Armenia**. The event discussed the priorities in reforming the legislative framework for the media in Armenia.

**On 2 to 4 September**, during my familiarization visit to **Turkmenistan**, invited by the Government, I met with relevant stakeholders in the media governance of the country:

- Rashid Meredov, Deputy Chairman of the Cabinet of Ministers and Foreign Minister; Maysa Yazmuhammedova, Deputy Chairperson of the Cabinet of Ministers; Akdja Nurberdiyeva, the Chairperson of the Mejlis (parliament); Gulmyrat Myradov, Minister of Culture, TV, and Radio Broadcasting; and Djeren Taimova, the Chairperson of the State News Agency.
- I also met accredited and non-accredited journalists contributing to international media, as well as media NGOs.

During the meetings, I offered assistance in legal reviews and training projects, and discussed other ways of co-operation. The need for a transparent and uncomplicated system of accreditation was also discussed, so that journalists could safely provide reliable information on the country for foreign media.

The visit was prepared jointly by the Turkmenistan Foreign Ministry and the OSCE Centre in Ashgabat, headed by Ambassador Ibrahim Djikic, who participated in the official meetings.

**On 17 September**, my office addressed a training event for Kazakh diplomats organized by the Foreign Ministry of Norway in **Oslo**, as part of the activities to prepare for the upcoming Kazakh Chairmanship.



**On 29 September**, I contributed to the opening at the Human Dimension Implementation Meeting (HDIM) in **Warsaw**. On 30 September, I gave a keynote speech in the HDIM working session 2 on "Freedom of expression, free media and information". My address centered on the major challenges faced by the media, particularly the aftermath of the war in the South Caucasus and some general concerns about the erosion of media freedom standards.

**On 7-8 October**, my office participated in a Seminar for journalists from Central Asia organized in **Helsinki** by the Finnish Foundation for Media, Communication and Development in co-operation with the Finnish Ministry of Foreign Affairs.

**On 20-22 October**, my office addressed the 4th international conference on terrorism and electronic media in **Paphos, Cyprus**. The event was organized jointly by the Union of Cyprus Journalists and the Federal Agency for Press and Communications of the Russian Federation.

**On 23 - 24 October**, my office addressed the 10<sup>th</sup> Anniversary International Conference "Law & Internet", organized by ICOS UNESCO in **Moscow, Russia**. The conference took place in the framework of UNESCO's "Information to All" programme.

**On 23 – 24 October**, my office participated in the meeting of the 10<sup>th</sup> Annual Conference - Alliance of International Press Councils in Europe in **Berlin, Germany**, presenting our successful publication *Media Self-Regulation Guidebook*.

**On 29 October**, my office participated at the UNESCO-organized commemoration of the 60th anniversary of Article 19 of the Universal Declaration of Human Rights in **Paris, France**.

**On 3 November**, I helped launch a Hungarian-language version the *Media Self-Regulation Guidebook* in **Budapest, Hungary**. The translation was made possible by a grant of the Center for Independent Journalism, where the launching took place. The *Guidebook* is also available in English, French and Russian and online at: [www.osce.org/fom/publications.html](http://www.osce.org/fom/publications.html)

**On 5- 6 November**, my office participated at the SEEMO Conference on Media and Democracy in South-Eastern Europe in **Sofia, Bulgaria**. The event focused on ways to increase professional standards and good practices in the education of journalists.

**On 21 November**, my office addressed a conference on media self-regulation and broadcast digitalization in **Tirana, Albania**. The event was organized by the OSCE Presence in Albania, together with the Friedrich Ebert Foundation.

### ***Activities confirmed for the next period***

**On 2 December**, I will speak in Helsinki at an event marking the Finnish-Swedish Freedom of Information Day, to commemorate the first freedom of information act of 2 December 1766. The event is jointly conducted by the Helsinki Sanomat and the Anders Chydenius foundation.

**On 8-10 December**, I will address the 2<sup>nd</sup> Global Forum for Media Development in Athens, Greece. I will present the activities of my office as part of the overall topic of the conference: Building enabling environments – The role of international organisations.

During the above mentioned conference, the annual meeting of the global mandates on freedom of expression **on 9 December** will also be held in Athens. As in previous years, a joint declaration will be adopted together with my counterparts at the United Nations, the Organisation of American States and the African Union. The meeting is facilitated by the London-based media NGO Article 19.

**On 3 February**, I will address The London Conference on Free Media to commemorate the 20<sup>th</sup> anniversary of the fall of the Berlin wall.